

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ESSAR STEEL ALGOMA INC.,

Plaintiff,

- against -

SOUTHERN COAL SALES CORPORATION,

Defendant.  
-----X

17 Misc. 360 (AT) (RWL)

**ORDER**


**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This matter is before the Court on Plaintiff's Motion for Leave to File a Second Amended Complaint. On October 2, 2018, the Court held a hearing and discussed issues raised by both parties. The Court ORDERS as follows:

1. By October 16, 2018, Plaintiff shall file for the Court's consideration a revised proposed Second Amended Complaint. The revisions should include allegations with respect to each new proposed defendant that are sufficient to support a plausible alter-ego claim vis-à-vis the currently named defendant. The submission shall include a black-lined version denoting proposed changes from the First Amended Complaint. In the meantime, the Plaintiff's motion to amend remains pending.
2. As directed at the hearing, remaining discovery may include discovery on Plaintiff's proposed alter-ego amendments to the extent such discovery is encompassed within existing discovery demands and depositions previously noticed; no alter-ego discovery shall separately be taken of third parties or any

of the proposed additional defendants. In the event the motion to amend is granted, Plaintiff will not be permitted to seek additional discovery on that basis.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written over a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated:       October 2, 2018  
              New York, New York

Copies transmitted to all counsel of record.